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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,550	07/16/2003	Bart ter Braak	09424.0190US01	8445
23552	7590	10/20/2004	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			FERGUSON, MICHAEL P	
			ART UNIT	PAPER NUMBER

3679

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/620,550

Applicant(s)

TER BRAAK, BART

Examiner

Michael P. Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/16/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: SAFETY CONNECTION INTENDED FOR  
SUSPENDING OBJECTS..

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a

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nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

2. The disclosure is objected to because of the following informalities:

Page 4 (line 1) recites "which is characterized by the features of claim 17. This system utilizes". It should recite --which utilizes--.

Appropriate correction is required.

### ***Claim Objections***

3. Claims 1, 7, 9, 12, 13, 15 and 18 are objected to because of the following informalities:

Claim 1 (line 1) recites "for suspending objects, for instance curtain rails, rods, towel racks and the like, the safety connection". It should recite --for suspending objects, the safety connection--.

Claim 1 (line 3) recites "the one retaining element". It should recite --one retaining element--.

Claim 1 (line 7) recites "those elements". It should recite --the elements--.

Claim 1 (line 9) recites "via that at least one". It should recite --via the at least one--.

Claim 7 (line 2) recites "at least the part". It should recite --at least part--.

Claim 9 (line 1) recites "that said angle". It should recite --the said angle--.

Claim 12 (line 1) recites "the widened head". It should recite --a widened head--.

Claim 13 (line 1) recites "according to at least claim 10". It should recite --according to claim 10--.

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Claim 15 (line 2) recites "tube of pendant". It should recite --tube or pendant--.

Claim 18 (line 1) recites "A safety connection for coupling objects, for instance rails, rods, towel racks and the like, to an environment such as a ceiling and/or a wall, wherein". It should recite --A connecting device for coupling objects to an environment, wherein--.

For the purpose of examining the application, it is assumed that appropriate correction has been made.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-16, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Franklin (US 3,540,089).

As to claim 1, Franklin discloses a safety connection intended for suspending objects, the safety connection comprising a first **31** and a second **44** retaining element, the one retaining element **44** after mounting, being coupled to the object **C** to be suspended, while the other retaining element **31** after mounting, is connected to an environment **B**, the first and second retaining element being detachably connected to each other such that, under the influence of a particular tensile force applied to the elements, the retaining elements disconnect, wherein the second retaining element is provided with a resilient lip **31**, while the first and second retaining elements are

arranged to cooperate via the resilient lip for effecting the detachable coupling of the retaining elements (Figures 1 and 2).

As to claim 2, Franklin discloses a safety connection wherein the resilient lip **31** is an integral part of the second retaining element **31** (Figure 2).

As to claim 3, Franklin discloses a safety connection wherein, after mounting, the resilient lip **31** extends, on average, in a direction including an angle with a vertical plane in the range of approximately 10- 45 degrees (Figure 2).

As to claim 4, Franklin discloses a safety connection wherein the resilient lip **31**, after mounting, extends, on average, in a direction including an angle with a vertical plane in the range of approximately 15- 30 degrees (Figure 2).

As to claim 5, Franklin discloses a safety connection wherein the resilient lip **31** is manufactured from plastic (column 3 lines 25-29).

As to claim 6, Franklin discloses a safety connection wherein a front end of the resilient lip **31** of the second retaining element **31** touches a slide-off surface of the first retaining element **44** (Figure 2).

As to claim 7, Franklin discloses a safety connection wherein the front lip end comprises a sliding surface which is substantially parallel (tangent) to part of the slide-off surface of the first retaining element **44** (Figure 2).

As to claim 8, Franklin discloses a safety connection wherein the slide-off surface of the first retaining element **44** after mounting, viewed in vertical cross section, includes an angle with a vertical plane in the range of 45- 70 degrees (Figure 2).

As to claim 9, Franklin discloses a safety connection wherein the angle is in the range of 60-70 degrees (Figure 2).

As to claim 10, Franklin discloses a safety connection wherein the first retaining element **44**, after mounting, extends partly through a substantially vertical passage of the second retaining element **31** (Figure 2).

As to claim 11, Franklin discloses a safety connection wherein the first retaining element **44** is provided with a widened head **44** located, after mounting, above the passage, which head touches a part, such as the front end of the resilient lip **31** of the second retaining element **31** (Figure 2).

As to claim 12, Franklin discloses a safety connection wherein the widened head **44** of the first retaining element **44** is provided with the slide-off surface (Figure 2).

As to claim 13, Franklin discloses a safety connection wherein the second retaining element **31** is provided with a number of resilient lips **31** extending obliquely towards each other for forming a constriction of the passage of the second retaining element (Figure 2).

As to claim 14, Franklin discloses a safety connection wherein the first **44** and second **31** retaining elements are each of rotation-symmetrical design relative to an axis of symmetry, which is vertical, after mounting (Figure 2).

As to claim 15, Franklin discloses a safety connection wherein the retaining element **31** connected to the environment **B** is mounted in a tube **18** having an inside diameter of less than 2 (inherently; Figure 2).

As to claim 16, Franklin discloses a safety connection wherein the tube **18** has a diameter in the range of 10- 15 mm (inherently; Figure 2).

As to claim 18, Franklin discloses a safety connection for coupling objects **C** to an environment **B**, wherein the connecting device is provided with a safety connection (Figure 1).

As to claim 19, Franklin discloses a connecting device wherein the connecting device is designed for supporting an upper side of the object **C** to be coupled to the environment **B** at a front end (Figure 1).

6. Claims 1, 2, 5-7 and 14-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Bradley (US 5,957,612).

As to claim 1, Bradley discloses a safety connection intended for suspending objects, the safety connection comprising a first **111** and a second **103,110** retaining element, the one retaining element **111** after mounting, being coupled to the object **104** to be suspended, while the other retaining element **103,110** after mounting, is connected to an environment **100**, the first and second retaining element being detachably connected to each other such that, under the influence of a particular tensile force applied to the elements, the retaining elements disconnect, wherein the second retaining element is provided with a resilient lip **110**, while the first and second retaining elements are arranged to cooperate via the resilient lip for effecting the detachable coupling of the retaining elements (Figures 1 and 7).

As to claim 2, Bradley discloses a safety connection wherein the resilient lip **110** is an integral part of the second retaining element **103,110** (Figure 7).



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As to claim 5, Bradley discloses a safety connection wherein the resilient lip **110** is manufactured from plastic (column 5 lines 50-54).

As to claim 6, Bradley discloses a safety connection wherein a front end of the resilient lip **110** of the second retaining element **103,110** touches a slide-off surface of the first retaining element **111** (Figure 7).

As to claim 7, Bradley discloses a safety connection wherein the front lip end comprises a sliding surface which is substantially parallel (tangent) to part of the slide-off surface of the first retaining element **111** (Figure 7).

As to claim 14, Bradley discloses a safety connection wherein the first **111** and second **103,110** retaining elements are each of rotation-symmetrical design relative to an axis of symmetry, which is vertical, after mounting (Figure 7).

As to claim 15, Bradley discloses a safety connection wherein the retaining element **103,110** connected to the environment **100** is mounted in a tube **100** having an inside diameter of less than 2 (inherently; Figure 7).

As to claim 16, Bradley discloses a safety connection wherein the tube **100** has a diameter in the range of 10- 15 mm (inherently; Figure 2).

As to claim 17, Bradley discloses a curtain rail system, provided with a safety connection (Figure 1).

As to claim 18, Bradley discloses a safety connection for coupling objects **104** to an environment **100**, wherein the connecting device is provided with a safety connection (Figure 7).

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As to claim 19, Bradley discloses a connecting device wherein the connecting device is designed for supporting an upper side of the object **104** to be coupled to the environment **100** at a front end (Figure 7).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The following patents show the state of the art with respect to safety connections:

Fetsch et al. (US 5,634,244), Genova (US 5,485,875) and Allen (US 4,733,625) are cited for pertaining to safety connections having a first retaining element having a widened head and a second retaining element having a resilient lip.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (703)308-8591. The examiner can normally be reached on M-F (7:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703)308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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